

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
CRIMINAL MOTION HEARING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jon Michael Ask,

Defendant.

**COURT MINUTES AND
TEXT-ONLY ORDER**

BEFORE: Tony N. Leung
U.S. Magistrate Judge

Case No:	24-cr-25 (ECT/TNL)
Date:	May 7, 2024
Court Reporter:	Lori Simpson
Courthouse:	Minneapolis
Courtroom:	9W
Time Commenced:	2:35 p.m.
Time Concluded:	3:14 p.m.
Sealed Hearing Time:	2:48 p.m.- 3:11 p.m.
Time in Court:	26 Minutes
Hearing Type:	Oral Argument

APPEARANCES:

Plaintiff: Andrew Dunne, Assistant U.S. Attorney

For Defendant Jon Michael Ask: James S. Becker, FPD

Defendant: Jon Michael Ask

Other Remarks:

The above-entitled matter came before the Court, Magistrate Judge Tony N. Leung, for a *Faretta* hearing pursuant to *Faretta v. California*, 422 U.S. 806 (1975). On May 7, 2024, the Court heard Defendant's Motions to Withdraw and to Scheule a *Faretta* Hearing, ECF Nos. 29 and 30, and granted the motions.

The Court made a *Faretta* inquiry of Defendant and advised him of the significant risk of representing himself. After being presented with his options to either proceed pro se or with legal counsel admitted to practice law before this Court, the Court specifically found that Defendant knowingly, voluntarily, and intelligently invoked his right to represent himself and forego the benefits of counsel. *See United States v. Swinney*, 970 F.2d 494, 498 (8th Cir. 1992).

It is within this Court's discretion to appoint a member of the Criminal Justice Act conflicts panel as standby counsel to assist Defendant with any procedural issues he may have. *See United States v. Webster*, 84 F.3d 1056, 1063 (8th Cir. 1996). Therefore, absent any objection by Defendant, the Court appointed a member of the Criminal Justice Act conflicts panel as standby counsel.

Defendant acknowledged the limited assistance standby counsel can offer for his case going forward.

Due to the *Faretta* hearing, the motions hearing was stricken from the Court's calendar. *See* ECF No. 31. For the purposes of this hearing, the Court finds that there is good cause for a continuance of the criminal motions hearing until June 13, 2024 at 10:00 a.m. for standby counsel to meet with Defendant and for Defendant to consider the pretrial motions that he adopted and are currently before the Court. *See* ECF Nos. 18, 19, 20, 21, 22, 23, 24, 25, and 26.

TEXT-ONLY ORDER:

For the reasons stated on the record at the May 7, 2024 hearing, which are expressly incorporated herein by reference, **IT IS HEREBY ORDERED** that:

1. Defendant's Motions to Withdraw and to Scheule a *Faretta* Hearing, ECF Nos. 29 and 30, are **GRANTED**.
2. Defendant proceeds pro se in this matter. Pursuant to 18 U.S.C. § 3006A, the Court appoints a member of the Criminal Justice Act conflicts panel as standby counsel for Defendant for the remainder of this case.
3. The previously filed pretrial motions, ECF Nos. 18, 19, 20, 21, 22, 23, 24, 25, and 26, are adopted by Defendant.
4. Defendant has until May 17, 2024 to file, if any, a response to the Government's Notice of Intent to Call Witnesses at Motions Hearing, ECF No. 28.
5. The criminal pretrial motions hearing is reset to June 13, 2024 at 10:00 a.m. before Magistrate Judge Tony N. Leung in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.
6. The trial date, and other related dates, will be scheduled at a date and time to be determined before District judge Eric C. Tostrud.

No separate written order shall be issued.

Ordered by Magistrate Judge Tony N. Leung on 5/8/2024.